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Shannon Moyle*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

STEVEN KINFORD,  
  
Plaintiff,  
  
v.  
  
SHANNON MOYLE, *et al.*,  
  
Defendants.

Case No. 2:18-cv-01890-RFB-EJY

**DEFENDANT'S MOTION TO  
EXTEND THE DEADLINE TO FILE  
MOTION FOR SUMMARY  
JUDGMENT  
(FIRST REQUEST)**

Defendant, Shannon Moyle, by and through counsel, Aaron D. Ford, Nevada Attorney General, and Amy A. Porray, Deputy Attorney General, of the State of Nevada, Office of the Attorney General, request this Court extend the deadline to file the Motion for Summary Judgment from **July 14, 2021**, to **August 9, 2021**. This is the first request.

**I. INTRODUCTION**

Defendant, Shannon Moyle, respectfully requests this Court grant this request to extend the deadline to file the Motion for Summary Judgment. Good cause exists because counsel has had a serious medical emergency that required her to take extended medical leave and has affected all dates and deadlines in her cases.

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## II. BACKGROUND

Kinford is an inmate lawfully incarcerated in the Nevada Department of Corrections (NDOC). Kinford sues Moyle for one (1) count of failure to protect regarding an incident that occurred at Northern Nevada Correctional Center (NNCC) between he and another inmate.

In the instant case, the motion for summary judgment is due on July 14, 2021. Moyle's counsel was scheduled for annual leave, beginning July 6, 2021, and returning July 13, 2021. The instant motion for summary judgment would have been completed prior to counsel's leave, and then reviewed, edited, approved during her leave and timely filed upon her return.

However, in the very late hours of Thursday, July 1, 2021/very early morning of Friday, July 2, 2021 (counsel is unsure of the time), Moyle's counsel suffered a serious medical episode. *See* Declaration of Amy A. Porray. Counsel's live-in partner took her to the nearest hospital emergency room. *Id.* Following discharge, counsel was given instructions not to return to work in any capacity until her follow up with medical specialists. *Id.*

Counsel was placed on emergency medical leave beginning Friday, July 2, 2021. The end of the following week, counsel met with her medical specialist who ordered further specialized testing and allowed for a subsequent return to work. *Id.* Counsel returned to work on Monday, July 12, 2021. *Id.* Although, counsel is diligently working to get caught up on all cases, she must remain cognizant of her provider's treatment recommendations and the limitations posed by her physical abilities. *Id.* As of now, counsel is not at full working capacity.

Also, counsel has requested a telephone conference with Kinford to discuss the instant motion, as well as another pending motion. However, due to counsel just returning to work on Monday, July 12, 2021, and the lead time required by his institution to schedule a telephone conference (at least five (5) business days), a telephone conference will be difficult to secure before the end of the week.

1 All of counsel's cases, dates and deadlines have been affected. As a result, Moyle  
2 respectfully requests that this Court grant her request to extend the deadline to file the  
3 Motion for Summary Judgment.

### 4 **III. LEGAL ARGUMENT**

5 District courts have inherent power to control their dockets. *Hamilton Copper &*  
6 *Steel Corp. v. Primary Steel, Inc.*, 898 F.2d 1428, 1429 (9th Cir. 1990); *Oliva v. Sullivan*,  
7 958 F.2d 272, 273 (9th Cir. 1992). Rule 6(b)(1), Federal Rules of Civil Procedure, governs  
8 extensions of time:

9 When an act may or must be done within a specified time, the  
10 court may, for good cause, extend the time: (A) with or without  
11 motion or notice if the court acts, or if a request is made, before  
12 the original time or its extension expires; or (B) on motion made  
after the time has expired if the party failed to act because of  
excusable neglect.

13 "The proper procedure, when additional time for any purpose is needed, is to present  
14 to the Court a timely request for an extension before the time fixed has expired (*i.e.*, a  
15 request presented before the time then fixed for the purpose in question has expired)."  
16 *Canup v. Miss. Valley Barge Line Co.*, 31 F.R.D. 282, 283 (D. Pa. 1962). The *Canup* Court  
17 explained that "the practicalities of life" (such as an attorney's "conflicting professional  
18 engagements" or personal commitments such as vacations, family activities, illnesses, or  
19 death) often necessitate an enlargement of time to comply with a court deadline. *Id.*

20 Counsel's unforeseeable medical emergency, which led to an extended medical  
21 absence and a complete inability to work demonstrates good cause. Counsel has actively  
22 and responsibly participated in the instant litigation. Counsel was on track to timely file  
23 the instant motion for summary judgment. However, now all of counsel's cases and their  
24 accompanying dates and deadlines have been affected. Counsel brings this motion in the  
25 very best of faith and not for the purposes of delay.

### 26 **IV. CONCLUSION**

27 Moyle's motion for an extension of time to file a motion for summary judgment  
28 should be granted due to counsel's serious injury. Moyle requests an extension from the

1 current due date of **July 14, 2021**, to **August 9, 2021**. This motion is brought in good faith  
2 and not for the purposes of delay.

3 DATED July 14, 2021.

4 AARON D. FORD  
5 Attorney General

6 By: /s/ Amy Porray  
7 Amy A. Porray (Bar. No. 9596)  
8 Deputy Attorney General  
9 *Attorneys for Defendant*

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11 **IT IS SO ORDERED**

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14 UNITED STATES DISTRICT JUDGE

15 DATED: July 15, 2021  
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